

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 20, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB337** by Turner (Relating to the consequences of a defendant's violation of a condition of community supervision.), **As Introduced**

**The probable impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the future discretionary decisions of judges relating to intentional violations of the terms of community supervision.**

The bill would amend the Code of Criminal Procedure by allowing adjudication of guilt, extended community supervision, or revocation of community supervision only if the defendant committed a subsequent misdemeanor or felony offense or if the defendant intentionally violated the terms of community supervision.

The bill would amend the Code of Criminal Procedure by requiring any sanction for a continuation or modification of community supervision to be proportional to the nature and severity of the violation.

The bill would take effect on September 1, 2007 and apply to hearings held on or after that date.

Of the 1,021 felony community supervision revocation cases during September 2005 in the five largest Community Supervision and Corrections Departments, 544 were revoked for technical violations. Approximately 94 percent (511) were revoked to prison or state jail. The average sentence length was 27 months. The system wide cost per day during fiscal year 2006 was approximately \$42. The estimated cost for incarcerating an offender revoked during September 2005 for 27 months is approximately \$35,000.

In fiscal year 2006, there were 12,390 felony community supervision revocations for technical violations. Applying the percent distribution, approximately 11,647 (12,390 x 94 percent) were revoked to prison or state jail. Applying the average sentence length for technical revocations of 27 months and system wide cost per day, the estimated cost for incarcerating fiscal year 2006 offenders revoked for technical violations would be approximately \$407 million for the entire duration of their time of incarceration.

### **Local Government Impact**

Counties could see some savings in their jail budgets because of the possibility of a reduced number of persons sent to jail for a violation of community supervision. However, it would depend on a court's determination of the willfulness or intentionality of a defendant's violation of community supervision.

The Brazos County Community Supervision and Corrections Department reported that they would need two additional full time equivalents (FTEs) at a minimum of \$82,000 per year to monitor the possible technical violations of probationers. The department's analysis assumes that the provisions of the bill would result in more probationers violating all conditions of supervision other than the one requiring that they commit no new offenses. Potential losses in supervision fees could be as much as \$1 million.

Jefferson and San Patricio counties reported that there would be no significant fiscal impact to

implement the provisions of the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, TM, GG, KJG